IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO. 1139 OF 2007
IN
SUIT NO. 1989 OF 1995

Sanjeev alias Sanjay Subash Grover. ... Plaintiff.

V/s.

Vertex Trading Co. & Anr. ... Defendants.

Mr. S.A. Ahmed i/b. M/s. Thakker & Bali for the Plaintiff.
Mr. C.D. Patel i/b. B.K. Girdharlal & Co. for the Defendants.

CORAM : A.S. OKA, J.
DATE : 23rd AUGUST 2007.

P.C. :

. Heard the learned Counsel appearing for the Plaintiff in support of the Chamber Summons. I have heard the learned Counsel appearing for the Defendants who have opposed the Chamber Summons.

2. The Plaintiff has filed the Suit for a declaration that a portion of the suit premises was given to the Defendants for use of storage facilities and that the Plaintiff's predecessor were in possession of the entire suit premises for which Municipal Storage Licence in the joint names of the predecessors of the Plaintiffs and the Second Defendant for storing combustible and inflammable

articles in the suit premises was issued. A prayer is also made for permanent injunction directing the Defendants to immediately surrender the Municipal licence. A permanent injunction is also prayed directing the Defendant to remove the lock put up by them on the suit premises and a prayer is made for directing the Defendant to hand over the vacant and peaceful possession of the suit premises.

3. By the Chamber Summons, the Plaintiff is seeking to add paragraph 2A in the plaint. Paragraph 2A contains a reference to factual assertions regarding the title of the Plaintiff. Further amendment is sought by incorporating paragraph 16A. Paragraph 16A refers to orders passed by the Appellate Bench of the Small Causes Court at Mumbai on 9th February 2001 as well as order passed by this Court in Writ Petition No.3470 of 2001. It is contended that in view of the aforesaid orders, the Defendants are not entitled to claim tenancy rights in respect of the suit premises.

4. It is obvious that the proposed amendment does not change the nature of the suit. Hence, the amendment deserves to be allowed.

5. Accordingly, the Chamber Summons is made absolute in terms of prayer clause (a). Amendment to be carried out within 4 weeks. Additional written statement if any, to be filed by the Defendants within a period of 6 weeks from the date on which a copy of the amended plaint is served to the Defendants. After additional written statement, if any, is filed by the Defendant, the Suit shall be set down for issues.

JUDGE